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31  
**UNITED STATES DISTRICT COURT**  
 32  
**NORTHERN DISTRICT OF CALIFORNIA**

33 M.J. FURMAN, derivatively on behalf of WAL- \_\_)  
 34 MART STORES, INC., )  
 35 Plaintiff, )  
 36 vs. )  
 37 S. ROBSON WALTON; JIM C. WALTON; )  
 38 JAMES W. BREYER; DAVID D. GLASS; )  
 39 ROLAND A. HERNANDEZ; JOSE H. )  
 40 VILLARREAL; H. LEE SCOTT, JR.; JACK C. )  
 41 SHEWMAKER; and DOES 1-50, inclusive, )  
 42 )  
 43 Defendants; )  
 44 -and- )  
 45 )  
 46 WAL-MART STORES, INC., )  
 47 Nominal Defendant. )  
 48 )

1           WHEREAS, on June 1, 2006 Plaintiff filed a Shareholder Derivative Complaint  
2 ("Complaint") on behalf of Nominal Defendant Wal-Mart Stores, Inc., in this Court, and this  
3 Action was assigned to Judge Armstrong;

4           WHEREAS, on June 27, 2006, Plaintiff filed an Administrative Motion To Consider  
5 Whether Cases Should Be Related, seeking an order designating this Action and an Action  
6 assigned to Judge Jenkins, *Dukes v. Wal-Mart Stores, Inc.* No. C-01-02252 MJJ (the "Dukes  
7 Action"), as "related cases" within the meaning of Local Rule 3-12(a) (the "Administrative  
8 Motion");

9           WHEREAS, on June 30, 2006, briefs were filed in this Action and the *Dukes* Action  
10 opposing Plaintiff's Administrative Motion;

11           WHEREAS, to date, Judge Jenkins has not ruled on the Administrative Motion;

12           WHEREAS, on August 22, 2006, defendants moved to dismiss the Complaint;

13           WHEREAS, on August 25, 2006, the Court requested that the motion to dismiss be  
14 withdrawn pending ruling on the Administrative Motion;

15           WHEREAS, on August 28, 2006, defendants withdrew the motion to dismiss pursuant to  
16 the Court's request with the intention to refile the motion as soon as practicable following the  
17 Court's ruling on the Administrative Motion;

18           WHEREAS, the Court previously continued the Case Management Conference to allow  
19 for a ruling on the Administrative Motion;

20           WHEREAS, a telephonic Case Management Conference is currently scheduled before  
21 this Court on December 6, 2006;

22           WHEREAS, the parties believe that it would preserve judicial resources to continue the  
23 Case Management Conference until after a ruling on the Administrative Motion;

24           THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the  
25 parties, subject to approval of the Court:

26           The telephonic Case Management Conference currently set for December 6, 2006 at 3:30  
27 will be continued to January 10, 2007 at 3:30 p.m.

1 Dated: November 14, 2006

COTCHETT, PITRE, SIMON & McCARTHY

2  
3 By: \_\_\_\_\_ /s/  
4

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14 derivatively on behalf of Wal-Mart Stores, Inc.

15 Dated: November 14, 2006

16 WILSON SONSINI GOODRICH & ROSATI

17  
18 By: \_\_\_\_\_ /s/  
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26 Attorneys for Nominal Defendant Wal-Mart Stores,  
27 Inc.

28 Dated: November 14, 2006

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30 By: \_\_\_\_\_ /s/  
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40 A. Hernandez, H. Lee Scott, Jr., Jack C. Shewmaker  
41 and Jose H. Villarreal

I, Kelly L. Sommerfeld, am the ECF User whose identification and password are being used to file the Stipulation and [Proposed] Order Rescheduling Case Management Conference Pending Ruling on Administrative Motion. In compliance with General Order 45.X.B, I hereby attest that Ignacio E. Salceda and Stephen A. Radin have concurred in this filing.

Dated: November 14, 2006

COTCHETT, PITRE, SIMON & McCARTHY

By: \_\_\_\_\_/s/

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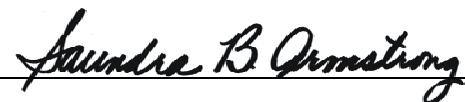
## ORDER

Upon stipulation of the parties, and good cause appearing:

The telephonic Case Management Conference currently set for December 6, 2006 at 3:30 p.m. is hereby continued to January 24, 2007 at 3:30 p.m.

IT IS SO ORDERED.

Dated: 11/15/06



The Honorable Saundra Brown Armstrong  
United States District Judge